HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 13483 of 2007

Dated 28.06.2007

Between:

Md. Rafi Yullah Baig.

…Petitioner

and

The Eastern Power Distribution Company of A.P. Ltd., and others.

…Respondents

HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 13483 of 2007

O R D E R:

The petitioner is a domestic consumer of power supply at Kapavaram Village, Kovur Mandal, West Godavari District.

His premises were inspected on 08.03.2007. Alleging that certain irregularities were noticed, the second respondent issued a letter of provisional assessment, dated 18.05.2007, pointing out that the power said to have been stolen by the petitioner is assessed at Rs.1,73,961/-. The power supply was disconnected and the petitioner was given an option to get the power supply restored, on payment of half of that amount. The petitioner challenges the said letter.

Heard the learned counsel for the petitioner and Sri V.Ajay Kumar, the learned counsel for the respondents.

The Electricity Act, 2003 (for short 'the Act') provides for the steps to be taken, whenever any pilferage or theft of power is noticed. The allegation against the petitioner is at the initial stage. It is to be enquired into by an Officer conferred with the power to pass an order of final assessment or by a Special Court. Though learned counsel for the petitioner submits that the formulae stipulated under sub-Sections (5) and (6) of Section 126 of the Act are to be applied, even for issuing of letters of provisional assessment, this Court is not inclined to accept the same, at this stage. Any grievances of the consumers have to be redressed before the concerned Forum. For the present, the power supply to the petitioner can be restored, in case, one-fourth of the disputed amount is paid.

Hence, the writ petition is disposed of, directing the respondents to restore power supply to the petitioner, as and when a sum representing one-fourth of the amount indicated in the letter of provisional assessment is paid. There shall be no order as to costs.

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28.06.2007

JSU